IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 4TH SEPTEMBER 2007 / 13TH BHADRA 1929

WP(C).No. 26322 of 2007(H)

PETITIONER:

ABDUL RAHIMAN, S/O.KUNHIMON HAJI,
BLAHAYIL HOUSE, NARIYAMPULLY,
PUNNAYOOR,THRISSUR DISTRICT.

BY ADV. SRI.P.K.ANIL

RESPONDENTS:

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1. SECRETARY, KUNNAMKULAM MUNICIPALITY,
KUNNAMKULAM THRISSUR DISTRICT.

2. THE DISTRICT TOWN PLANNER,
DISTRICT URBAN AND RURAL DEVELOPMENT OFFICER,
DISTRICT PLANING UNIT,THRISSUR.

3. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, SECRETRIAT,
THIRUVANANTHAPURAM.

R1 BY ADV.MR.GRASHIOUS KURIAKOSE, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No.26322 of 2007

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Dated: 4th September, 2007

JUDGMENT

The grievance of the petitioner who approached the 1st respondent-Municipality for a building permit for the construction of a commercial building is that in spite of Ext.P5 judgment of this court, the Municipality is not favourably considering the application on the ground that the proposed will be violative of the D.T.P.Scheme.

2. Heard Mr.P.K.Anil, counsel for the petitioner and Mr.Grashious Kuriakose, Standing Counsel for the Kunnamkulam Municipality who has taken notice.

3. I do not propose to decide the issue finally. But it is seen after Ext.P5 judgment was issued by this court, a fresh application for building permit has been submitted by the petitioner and the Municipality has received the same as per Ext.P4. I dispose of the Writ Petition at this stage itself issuing the following directions:

The 1st respondent-Municipality will consider the application which is referred to in Ext.P4 receipt in the light of Ext.P5 judgment and take a decision at the earliest. In case the Municipality is not inclined to decide the application in favour of the petitioner, a hearing notice will be issued to the petitioner and he will be heard before

orders are passed on the application. Orders as directed above shall be passed by the Municipality at the earliest and at any rate within one month of the petitioner producing a copy of this judgment.

srd **PIUS C.KURIAKOSE, JUDGE**